IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP NO.20333 of 2006

DATE OF DECISION: December 21, 2006

Gurgaon Clinic Doctors Association and others

….Petitioners

VERSUS

State of Haryana and another

….

Respondents

CORAM:- HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE M.M.S.BEDI

PRESENT: Shri Chetan Sharma, Senior Advocate with
Shri Sacchin Puri and Ms.Kaadambari, Advocates
for the petitioners.

Viney Mittal,J.(Oral).

At the outset, on a request made by the learned counsel for the petitioners, the name of petitioner No.1 is deleted from the array of parties. The writ petition qua the petitioner No.1 is dismissed as withdrawn.

The petitioners have pleaded that they are doctors carrying on their medical practice in the city of Gurgaon in various colonies developed by colonizers. It has been claimed that they are carrying on their professional activities in a small portion of their own residences where they are residing also. It has been specifically stated by the learned senior counsel appearing for the petitioners that none of the petitioners are carrying on any commercial/professional activities in such portions which have been taken out only for the aforesaid professional activities.

Shri Chetan Sharma, the learned senior counsel appearing for the petitioners, on the basis of facts pleaded in the petition, has contended that the professional activities in their own residential premises by Doctors are permitted under the provisions of the Act and as such could not be treated to be unauthorised or commercial activities.

In these circumstances, the learned senior counsel has maintained that the sealing of the premises of the petitioners by treating their professional activities in a small portion of their residential houses by the respondents is wholly without any justification and is not even warranted under the facts and circumstances of the case.

After hearing the learned senior counsel for the petitioners and taking into consideration the specific pleas raised by the petitioners No.2 to 25, we dispose of the present petition with a liberty to the petitioners to file affidavits, within a period of three days from today before the Estate Officer, HUDA, Gurgaon/District Town Planner (Enforcement), Department of Town & Country Planning, HUDA, Gurgaon to the effect that the professional activity is being carried out by the persons filing the affidavit in a small portion of the residential premises occupied by him. If any such affidavit is filed by any of the petitioners, as aforesaid, then in such a situation, no coercive process with regard to sealing of the residential premises of the deponent shall be carried out by the authorities. We

further direct that if the premises has been sealed, then on filing of the aforesaid affidavit, the seals on the premises shall be removed.

With the aforesaid liberty and directions, the present petition is disposed of accordingly.

A copy of the order be given dasti under the signatures of the Bench Secretary attached with this Court.

(Viney Mittal)
Judge

December 21, 2006
KD

(M.M.S. Bedi)
Judge